

PUBLIC HEARING DRAFT OF PROPOSED RULES

DIVISION 517

SOUTH COAST BASIN PROGRAM

NOTE: The South Coast Basin is delineated on agency Map, File No. 17.6, available from the agency dated January 1, 1971.

690-517-0000

Classifications

(1) ~~Ground water~~ Groundwater resources in sections or the portions of Sections 13, 14, 22, 23, 26, 27, 32, 33 and 34 of Township 23 South, Range 13 West, Willamette Meridian; 2, 3, 4, 9, 10, 11, 14, 15, 16, 17, 20, 21, 22, 27, 28, 29, 31, 32, 33 and 34 of Township 24 South, Range 13 West, Willamette Meridian; and 3, 4, 5 and 6 of Township 25 South, Range 13 West, Willamette Meridian, bounded on the north by Tenmile Creek, on the west by the Pacific Ocean, on the south by Coos Bay and on the east by Highway 101 are hereby classified for single or group domestic, livestock, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and any single industrial or commercial use not exceeding 5,000 gallons per day.

(2) The waters of the following lakes are classified for domestic, livestock, municipal, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and in lake use for recreation, fish life, and wildlife. The Director of the Water Resources Department may place specific limits on municipal appropriations from the lakes, or require outlet control structures to protect recreation, fish life and wildlife uses:

(a) Bradley Lake;

(b) Eel Lake;

(c) Garrison Lake.

(3) All other natural lakes are classified for domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and in lake use for recreation, fish life and wildlife.

(4) The waters of Glenn Creek (tributary to the East Fork, Millicoma River) and its tributaries are classified for domestic and livestock uses irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, fire control and instream use for recreation, fish life and wildlife;

(5) The waters of the Middle Fork of the Coquille River and tributaries upstream from the confluence with Holmes Creek are classified for domestic, livestock irrigation of lawns and noncommercial gardens not exceeding one-half acre in area and instream use for recreation, fish life, and wildlife during the period from July 1 to September 30 of every year. Water diverted for storage between October 1 and June 30 may be used for any purpose specified in section ~~44~~ 12 of this rule.

(6) The waters of the West Fork Millicoma River and tributaries above Stall Falls are classified for municipal, domestic and livestock uses, irrigation of lawns and noncommercial gardens not exceeding one-half acre in area, and instream use for recreation, fish life and wildlife.

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(7) The waters of Pony Creek above lower Pony Creek Dam and Ferry and Geiger Creeks above the Ferry Creek — Geiger Creek confluence are classified for municipal use.

(8) In accordance with ORS 538.120, the waters of Brush Creek (Brushes Creek) and its tributaries are withdrawn from further appropriation or condemnation, and shall not be diverted or interrupted for any purpose except for use in state parks or as otherwise prescribed by ORS 538.120.

(9) The waters of Clear Lake are withdrawn from further appropriation by order of the State Engineer dated October 4, 1940 (Special Order Vol 3, Pg. 504).

(10) The waters of Edna Lake are withdrawn from further appropriation by order of the State Engineer dated October 4, 1940 (Special Order Vol 3, Pg. 504).

(11) The surface waters of the Smith River watershed in Curry County (Exhibit 1) are classified for human consumption, livestock, and instream public uses including recreation, pollution abatement, fish life, and wildlife uses. Groundwater within the boundaries of the Smith River watershed in Curry County is classified for exempt groundwater uses authorized under ORS 537.545. Limited Licenses may be allowed only as consistent with the classifications in this subsection.

~~(4112)~~ All other surface and ground-water resources are classified for domestic, livestock, municipal, industrial, fire control, irrigation, agricultural use, mining, power development, recreation, wildlife_fish life uses.

~~(4213)~~ The planning, construction and operation of any structures or works for the utilization of water in accordance with the aforementioned classifications are to conform with the applicable provisions of ORS 536.310, including but not restricted to the recommendation of the multiple-purpose concept.

[ED. NOTE: Tables [and exhibits](#) referenced are not included in rule text. [Click here for PDF copy of table\(s\) and exhibits.](#)]

690-517-0010

Reservations

Water in the amounts specified is reserved in the following streams for municipal use:

(1) Chetco River — three cfs, downstream from the confluence with the North Fork Chetco River.

(2) Winchuck River — one cfs, downstream from the confluence with Bear Creek.

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170

690-517-0020

Minimum Perennial Streamflows

(1) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life, no appropriations of water except for domestic or livestock uses and irrigation of noncommercial gardens not

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exceeding one-half acre in area shall be allowed for waters of the streams and tributaries listed in Table 1 when flows are below the specified levels.

(2) The Water Resources Commission requests the opportunity to review applications for an allowed beneficial use that has traditionally been identified as nonconsumptive or take-and-put, such as fish hatcheries, hydroelectric facilities, municipal or water process industries that could potentially impact, in an adverse way, the Commission's minimum flow regime or the public interest. The Water Resources Commission intends to continue to protect, in its entirety, that portion of the stream system on which any minimum streamflow has been established. Permitting procedures and water use regulation should reflect that objective as far as possible under the law. The Commission solicits the advice or complaints of any party who is aware that the objectives are not being met.

(3) Minimum flows established in the Water Resource Program for the South Coast Basin dated May 22, 1964 (Table 2), shall remain in full force and effect except as follows:

(a) The minimum perennial streamflow for the Elk River above U.S. Highway 101 crossing (45 cfs) is rescinded;

(b) The minimum perennial streamflow for the Coquille River Middle Fork above Bear Creek (4 cfs) is rescinded;

(c) The minimum perennial streamflow for the Sixes River above the U.S. Highway 101 crossing is reduced to 25 cfs during the period from August 1 to September 30;

(d) The minimum perennial streamflow for the South Fork Coquille River near Powers is reduced to 15 cfs during the period from June 16 to September 30.

(4) For purposes of distributing water, minimum flows established in 1964 shall be considered part of and not in addition to revised minimum flow regimes.

(5) To support aquatic life and minimize pollution, in accordance with Section 3, Chapter 796, Oregon Laws 1983, no appropriations of water shall be granted for the waters of the Coquille River and tributaries when flows are below the specified levels in Table 2. This limitation shall not apply to:

(a) Domestic and livestock uses and irrigation of non-commercial gardens not exceeding 1/2 acre in area;

(b) Water legally released from storage.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170; WRD 3-2012, f. & cert. ef. 12-12-12

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Storage

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The following reservoir sites should be protected through the comprehensive land-use planning process for possible future development or until alternative methods of meeting water needs have been developed:

- (1) West Fork of the Millicoma River, site 223;
- (2) South Fork of Coquille River at Eden Ridge, site 430;
- (3) North Fork Coquille River, site 146A;
- (4) Rock Creek at Rasler Creek, site 201;
- (5) Catching Creek, site 101;
- (6) Fourmile Creek, site 158;
- (7) North Fork Floras Creek at Okietown, site 435;
- (8) North Fork Chetco River, site 239;
- (9) Wheeler Creek, site 241;
- (10) East Fork Winchuck River, site 243;
- (11) Joe Ney Slough.

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170; WRD 3-2012, f. & cert. ef. 12-12-12

690-517-0040

Out-of-Basin Appropriations

No out-of-basin diversion of South Coast Basin water shall be granted without the prior approval of, and following a public hearing by, the Water Resources Commission.

Stat. Auth.: ORS 536 & 537

Stats. Implemented:

Hist.: WRB 24, f. 12-16-63; WRB f. 6-2-64; WRD 4, f. 5-6-77; WRD 6, f. 7-5-77; WRD 1-1979, f. & cert. ef. 2-1-79; WRD 6-1980, f. & cert. ef. 4-11-80; WRD 4-1981, f. & cert. ef. 5-28-81; WRD 5-1984, f. & cert. ef. 10-30-84; Administrative Renumbering 1-1993, Renumbered from 690-080-0170; WRD 3-2012, f. & cert. ef. 12-12-12